

To: Marc Cone[marc.a.cone@maine.gov]; Jeff Crawford[jeff.s.crawford@maine.gov]; Gilbert, Jane[Jane.Gilbert@maine.gov]
Cc: Dain, Gregory[Dain.Greg@epa.gov]; Conroy, David[Conroy.Dave@epa.gov]; Simcox, Alison[simcox.alison@epa.gov]
From: Arnold, Anne
Sent: Tue 2/14/2017 7:41:30 PM
Subject: request to withdraw 2011 SIP revision
[Maine Chapter 117.pdf](#)

Hi Marc

We currently have pending before us a 2011 SIP revision from the Maine DEP that contains Maine's Chapter 117 rule.

Although our agencies worked closely together during the rulemaking for this regulation, as a result of a subsequent court case and EPA's SSM SIP call, we have identified certain provisions of the rule that are not approvable.

Therefore, we are requesting that Maine DEP withdraw this SIP revision and work with us to update the rule.

The details of this issue are further explained in the attached letter. Feel free to call or email me with any questions.

Thank you.

Anne Arnold, Manager

Air Quality Planning Unit

EPA Region I

617-918-1047

Mail Address:

EPA Region I

5 Post Office Square - Suite 100

Mail Code OEP05-02

Boston, MA 02109-3912



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

February 14, 2017

Marc Cone, Director
Bureau of Air Quality
17 State House Station
Augusta, Maine 04333-0017

Dear Mr. Cone:

On May 31, 2011, we received a State Implementation Plan (SIP) revision from the Maine Department of Environmental Protection (DEP) containing Maine's Chapter 117, "Source Surveillance – Emissions Monitoring" regulation.

We appreciate the fact that the Maine DEP has addressed the concerns identified by EPA in its June 4, 2008 comment letter on Maine's proposed Chapter 117. Since that time, however, EPA published a final action in the Federal Register on June 12, 2015 (80 FR 33839) restating and updating EPA's Startup, Shutdown, and Malfunction (SSM) policy applicable to SIPs, and issued SIP Calls to 36 states to amend provisions in SIPs that apply to excess emissions during SSM periods.

As described in more detail in the enclosure to this letter, we have identified certain provisions in Chapter 117 that would not be approvable because they are inconsistent with the Clean Air Act requirements that led to EPA's SIP Call.

Therefore, we recommend that the Maine DEP withdraw the May 31, 2011 SIP submittal currently pending before EPA and work with EPA to address these SSM issues so that Chapter 117 will be approvable.

If you have any questions on this matter, please contact me at 617-918-1047.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne Arnold", is written above the typed name.

Anne Arnold, Manager
Air Quality Planning Unit

Enclosure

cc: Jane Gilbert, ME DEP
Jeff Crawford, ME DEP

Enclosure

EPA's SSM Comments on Maine's Chapter 117 Source Surveillance – Emissions Monitoring

1. Section 2.L. of Chapter 117 defines the term “Gaseous excess emission.” The last sentence of the definition explicitly excludes “periods of start up, shutdown, and unavoidable malfunction determined to be exempt by the Department.” The exclusion of such periods is inconsistent with the principles underlying EPA’s SIP Call in relation to periods of start up and shutdown. See 80 FR 33839 (June 12, 2015). In addition, due to a court case (NRDC v EPA, 2014) that was decided after our initial SSM SIP Call proposal on February 22, 2013 (78 FR 12460), EPA has concluded that there is no legal basis for affirmative defenses in SIP provisions, including affirmative defenses applicable to malfunction events. We therefore recommend that Maine DEP delete the last sentence of the defined term.

Sections 2.N. (definition of “Opacity excess emission”) and 2.P. (definition of “Particulate excess emission”) should similarly be amended.

2. Section 2.L. of Chapter 117 (definition of “Gaseous excess emission”) also excludes circumstances in which monitoring “data was deemed to be invalid.” This language is unclear as to who would make such a determination and on what basis the determination would be made that data are invalid. Also, to the extent the language may be interpreted as an exemption from an emissions limit or as an affirmative defense to an allegation that an excess emission occurred, the language is inconsistent with the principles underlying EPA’s SIP Call for the reasons noted in the preceding comment. We therefore recommend that Maine DEP delete the words “and the data was not deemed to be invalid” and further suggest that Maine DEP instead use its enforcement discretion in evaluating the validity of monitoring data when assessing whether emissions in excess of an emission limit should give rise to an enforcement action.

Sections 2.N. (definition of “Opacity excess emission”) and 2.P. (definition of “Particulate excess emission”) should similarly be amended.

3. Section 2.AB. of Chapter 117 defines the term “Unavoidable malfunction.” The term is used in the definitions of “gaseous excess emission,” “opacity excess emission,” and particulate matter excess emission.” The last sentence of the definition states “[t]he burden of proof is on the owner or operator to demonstrate that the failure of the CEMS to record accurate and reliable data was due to an unavoidable malfunction.” Because the defined term is used in the last sentence of the definitions referenced in comments 1 and 2, above, the last sentence of the definition of “unavoidable malfunction” suggests that it would be used in the context of an affirmative defense to an allegation of an excess emission. Therefore, the definition, used in that context, would not be approvable for the reasons explained in our earlier comments above. However, if Maine DEP amends its definitions of “gaseous excess emission,” “opacity excess emission,” and “particulate matter excess emission,” in accordance with our comments 1 and 2, above, then that

would cure the problem and the definition of “unavoidable malfunction” could remain as worded now, because it would only apply to malfunctions of a monitor, not excess emissions.

4. Section 8.A. of Chapter 117 contains the sentence “[t]he source has the burden of demonstrating that any data is inaccurate.” This sentence could be interpreted to be related to an affirmative defense to an allegation that an excess emission occurred and, therefore, the language is inconsistent with the principles underlying EPA’s SIP Call and the court decision in *NRDC v EPA*, 2014. We therefore recommend that Maine DEP delete the last sentence of Section 8.A., and further suggest that Maine DEP instead use its enforcement discretion in evaluating the validity of monitoring data when assessing whether gaseous emissions in excess of an emission limit should give rise to an enforcement action.

In addition to the SSM-related comments above, we note the following comments that Maine should consider when revising Chapter 117.

5. Thank you for adding the language in Section 5.C. pursuant to our June 2008 comment letter. While the new language does reference CEMS, we note that Maine DEP inadvertently may have omitted a reference to COMS. We recommend that Maine DEP add a reference to COMs in this section.
6. We noted a number of provisions that provide for unbounded discretion on the part of the Department. For each of the provisions identified below, we therefore recommend that Maine DEP add the words “and EPA” after the word “Department” in Section 1.B.(3), Section 1.C.(1), Section 1.C.(1)(c), Section 1.C.(1)(d), Section 4.B.(8)(b), and Section 5.D.

To: Shar, Alan[shar.alan@epa.gov]
Cc: Bradley, Cheryl[Cheryl.Bradley@deq.ok.gov]; Donaldson, Guy[Donaldson.Guy@epa.gov];
Paige, Carrie[Paige.Carrie@epa.gov]
From: Kirlin, Brooks
Sent: Thur 8/13/2015 7:42:32 PM
Subject: Proposed Subchapter 9 (SSM) Changes
[2015_October_Notice.pdf.pdf](#)
[2015_Oct_SC9_RULw.pdf.pdf](#)

Alan,

Attached is a copy of the proposed revisions to Subchapter 9 of the AQ Rules that we intend to bring to the Air Quality Advisory Council for its October 2015 meeting. Also attached is the language for the notice to be published in the Oklahoma Register on September 1, 2015.

We believe the proposed changes have addressed the issues EPA identified in the national SSM SIP call. [As you know, the SSM SIP Call specific for Oklahoma was of limited help in identifying specific issues with SC9, since it addressed the SIP-approved version of Subchapter 9 that is no longer in effect.] Specifically, the proposed revision:

1. Removes the term “affirmative defense.”
2. Clarifies that mitigating factors for malfunctions are related only to administrative penalties in actions initiated by DEQ.
3. Removes the reference to VOC emissions under an LDAR from the “excess emissions” definition. (Proposed language in 100-9-1.1 Applicability clarifies that reporting such emissions should follow the requirements of the LDAR program.
4. Clarifies that increased emissions during startup & shutdown should normally be addressed in the facility’s application/permit as an alternative operating scenario (with alternative limitations, as appropriate). To allow an opportunity to accomplish this, the proposal retains (until November 22, 2018) mitigating factors for startup & shutdown, related only to administrative penalties in actions initiated by DEQ.
5. Modifies Subsection 100-9-8(e) to provide a more explicit statement:

“This section ~~should~~ shall not be construed as limiting EPA or citizens’ authority under the Act to preclude federal court jurisdiction under Section 113 of the Act to assess civil penalties or other forms of relief for violations of SIP emission limits, to prevent courts from considering the statutory factors for the assessment of civil penalties under Section 113, or to interfere with the rights of litigants to pursue enforcement consistent with their rights under the citizen suit provision of Section 304 of the Act.”

Please let us know if you have any questions. We’d be happy to set up a call to discuss this further with you and receive specific feedback on our approach – especially if there are specific issues we would need to discuss before/at the council meeting. If changes to DEQ rules are

indeed required to satisfy the SSM SIP call, you may recall that there is a very limited window of time to take the steps necessary to meet the November 2016 deadline for a SIP Revision submittal.

Thanks!

Brooks

L Brooks Kirlin, P.E.

AQD Rules & Planning Division

707 N Robinson, Suite 4100

Oklahoma City, OK 73101-1677

405-702-4100

To: Shar, Alan[shar.alan@epa.gov]
From: Hemann, Chris
Sent: Tue 6/16/2015 5:34:17 PM
Subject: RE: SSM Non-legal Contact

Do you have any example language? We met today for preliminary discussions on our changes and were curious.

Chris

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Thursday, June 11, 2015 4:12 PM
To: Hemann, Chris
Cc: Bartley, Richard; Davis, Anthony
Subject: RE: SSM Non-legal Contact

Chris – Thanks for the email below. Feel free to contact me, if you have questions on this subject.

I have worked on this topic with OK, NM, TX, City of Albuquerque, and other EPA Regions in the past, and reviewed many FR SIPs on SSM.

Rick Bartley and I have worked together for some years now, and might be able to help you avoid some common pitfalls when revising SSM rules.

Alan

From: Hemann, Chris [<mailto:HEMANN@adeq.state.ar.us>]
Sent: Thursday, June 11, 2015 12:42 PM
To: Shar, Alan
Cc: Riley, Jeffrey; Davis, Anthony
Subject: SSM Non-legal Contact

Alan,

Per our discussion during the Monthly Air Planning call, I was designated as contact for ADEQ's Air Division regarding the SSM SIP call. You requested my contact information so I am providing it to you via email as requested. I look forward to working with you on this matter.

Chris Hemann

hemann@adeq.state.ar.us

501-682-0907

To: Shar, Alan[shar.alan@epa.gov]
From: Foster, Melanie
Sent: Tue 5/17/2016 8:08:30 PM
Subject: RE: your May 13, 2016 email Q re: SSM SIP call

Thanks, I have it now and that is very helpful. Thank you very much!

Sent via the Samsung GALAXY S® 5, an AT&T 4G LTE smartphone

----- Original message -----

From: "Shar, Alan" <shar.alan@epa.gov>
Date: 5/17/2016 12:46 PM (GMT-06:00)
To: "Foster, Melanie" <melanie.foster@deq.ok.gov>
Cc: "Kirlin, Brooks" <Brooks.Kirlin@deq.ok.gov>
Subject: FW: your May 13, 2016 email Q re: SSM SIP call

Melanie - Somehow I got a notice of delivery failure from EPA system after sending you the email below.

From: Shar, Alan
Sent: Tuesday, May 17, 2016 12:37 PM
To: 'Foster, Melanie '
Cc: 'Kirlin, Brooks' <Brooks.Kirlin@deq.ok.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>
Subject: your May 13, 2016 email Q re: SSM SIP call

Melanie – I did some research here and according to our lead attorney Lucinda in the Region:
“They will need to submit a section 110(l) demonstration. The request to remove the SIP rules must go through the SIP public participation process and submitted by the Governor's designee. We have approved the removal of SIP rules w/o a replacement as long as section 110(l) demo is met.”

I took the liberty of putting together a tailored section 110(l) demonstration for revisions to OAC 252:100-9 Subchapter 9.

You do not have to use this 110(l) suggestion, but if decided to I think all you have to do is fill in some publication dates in the attached file.

You may edit as you see fit. Feel free to call, if you have questions and hope this helps. Thanks.
Alan

To: Shar, Alan[shar.alan@epa.gov]
From: Butt, Neal, NMENV
Sent: Mon 6/15/2015 2:16:42 PM
Subject: RE: FR notice for national SSM SIP Call

Thanks Alan,

Neal

From: Shar, Alan [mailto:shar.alan@epa.gov]
Sent: Friday, June 12, 2015 7:28 AM
To: Cheryl Bradley (cheryl.bradley@deq.ok.gov); Butt, Neal, NMENV; Cooke, Gail, NMENV; Merta, Ed L.; Margaret Nieto (mnieto@cabq.gov); hemann@adeq.state.ar.us; Vivian Aucoin
Cc: Bartley, Richard
Subject: FR notice for national SSM SIP Call

All – Many of you may already know about the national SSM SIP Call. Fact sheet and related material can be accessed on EPA web site
<http://www.epa.gov/airquality/urbanair/sipstatus/emissions.html>.

The final notice on the startup, shutdown, and malfunction was published today.

For Region 6 States see pages 129-131 of the attached file.

Please be advised that November 22, 2016 (18 months from the notice's signature date) is the deadline to submit revised SIPs addressing inadequacies to EPA. Thanks.

Alan

To: Shar, Alan[shar.alan@epa.gov]
Cc: Riley, Jeffrey[Riley.Jeffrey@epa.gov]; Davis, Anthony[DavisA@adeq.state.ar.us]
From: Hemann, Chris
Sent: Thur 6/11/2015 5:42:13 PM
Subject: SSM Non-legal Contact

Alan,

Per our discussion during the Monthly Air Planning call, I was designated as contact for ADEQ's Air Division regarding the SSM SIP call. You requested my contact information so I am providing it to you via email as requested. I look forward to working with you on this matter.

Chris Hemann

hemann@adeq.state.ar.us

501-682-0907

To: Melanie Foster[Melanie.foster@deq.ok.gov]
Cc: Kirlin, Brooks[Brooks.Kirlin@deq.ok.gov]; Shar, Alan[shar.alan@epa.gov]
From: Paige, Carrie
Sent: Mon 5/16/2016 1:54:08 PM
Subject: RE: SSM SIP call

Good morning Melanie,

What came to my thoughts first is the SIP revision submitted by Texas to remove Stage II vapor recovery at gasoline refueling stations. The State's submittals and our proposed and final rules and technical support document are provided in the docket:
<https://www.regulations.gov/#!docketDetail;D=EPA-R06-OAR-2013-0439>

Alan – do you have an idea for Melanie's request below?

Please let me know if more questions arise -

Carrie Paige

Environmental Scientist

US EPA Region 6

State Implementation Section (6MM-AB)

1445 Ross Avenue, Suite 1200

Dallas, TX 75202

(214) 665-6521

POSITIONS OR VIEWS EXPRESSED DO NOT REPRESENT OFFICIAL EPA POLICY

From: Foster, Melanie [mailto:melanie.foster@deq.ok.gov]
Sent: Friday, May 13, 2016 4:49 PM
To: Paige, Carrie <Paige.Carrie@epa.gov>
Cc: Kirlin, Brooks <Brooks.Kirlin@deq.ok.gov>
Subject: SSM SIP call

Carrie:

We have begun to put together our action items and timeline in response to the SSM SIP call due to EPA this fall. We do not think we have ever submitted a SIP revision to remove a previously approved portion of our SIP with no replacement language and therefore we do not have a template to use. Do you happen to have any examples from other states that we could use as templates?

Thanks,

Melanie Foster

Rules & Planning Section

Air Quality Division

Phone: 405-702-4218

Fax: 405-702-4101



707 N. Robinson

P.O. Box 1677

Oklahoma City, OK 73101-1677

To: Shar, Alan[shar.alan@epa.gov]
From: Bates, Rita, NMENV
Sent: Wed 3/23/2016 4:57:33 PM
Subject: RE: excess emissions update

Alan,

If questions come up during your meeting with the EPA attorneys tomorrow, please give us a call. I'm sure we can answer them quickly and get on track with getting this finalized.

Thanks!

Rita

Rita Bates

Planning Section Chief

Air Quality Bureau – New Mexico Environment Department

525 Camino de los Marquez, Suite 1

Santa Fe, New Mexico 87505

Phone: 505-476-4304

Fax: 505-476-4375

From: Shar, Alan [mailto:shar.alan@epa.gov]
Sent: Wednesday, March 23, 2016 10:21 AM
To: Bates, Rita, NMENV <Rita.Bates@state.nm.us>
Subject: FW: excess emissions update

please see the March 10 meeting request below to our ORC attorney.

Rick has not been responding to my calls or email.

From: Shar, Alan
Sent: Thursday, March 10, 2016 10:50 AM
To: Bartley, Richard <Bartley.Richard@epa.gov>
Subject: FW: excess emissions update

Rick – Attached please find the draft informational NMED's proposed SSM rule.

If available, let's you and I plan on meeting next week to discuss. Thanks.

Alan

From: Spillers, Robert, NMENV [<mailto:Robert.Spillers@state.nm.us>]
Sent: Thursday, March 10, 2016 10:42 AM
To: Shar, Alan <shar.alan@epa.gov>
Cc: Bates, Rita, NMENV <Rita.Bates@state.nm.us>; Singleton, Kerwin, NMENV <Kerwin.Singleton@state.nm.us>
Subject: RE: excess emissions update

Good morning Alan,

Attached is the NMED's proposed revisions to 20.2.7 NMAC Excess Emissions for EPA's initial review. Yellow highlighted text are the sections of the rule that are proposed to be removed from the SIP, blue highlighted text, bracketed, are not part of the rule. This text is informational only. If you have any comments or questions please contact me.

Thank you,

Bob

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Tuesday, March 01, 2016 10:22 AM
To: Spillers, Robert, NMENV <Robert.Spillers@state.nm.us>
Cc: Bartley, Richard <Bartley.Richard@epa.gov>
Subject: excess emissions update

Bob – Attach please find 2 comment letters we sent to ODEQ re: their excess emissions rule.

Please see comment #6 on pages 3 and 4 of our Jan 14, 2016 letter to Oklahoma, in case NMED chooses the AD approach.

Oklahoma Board adopted the rule on Feb 19, 2016.

The link to ODEQ's excess emissions rule is:
http://www.deq.state.ok.us/AQDnew/council_mtgs/jan16/2016_Jan_SC9_RUL.pdf

Appreciate if you share your draft rule with us, if you can. Thanks.

Alan

From: Shar, Alan
Sent: Wednesday, December 16, 2015 8:32 AM
To: 'Spillers, Robert, NMENV' <Robert.Spillers@state.nm.us>; 'Merta, Ed L.' <emerta@cabq.gov>
Subject: FYI: latest version of Oklahoma's rule on excess emissions

Bob and Ed – Greetings from Dallas.

FYI, I am attaching the latest version of Oklahoma's rule on excess emissions.

Region has been working with ODEQ on this rule closely.

EPA is reviewing the rule internally, and will be submitting comments in consultation with our HQ office.

The link to the rule
is: http://www.deq.state.ok.us/aqdnew/council_mtgs/jan16/2016_Jan_SC9_RUL.pdf

ODEQ's Air Council hearing is scheduled for **Wednesday, January 20, 2016**. Please **see** http://www.deq.state.ok.us/aqdnew/council_mtgs/jan16/jan16rules.htm

Wishing you a happy holiday season.

Alan

To: Shar, Alan[shar.alan@epa.gov]
From: Bryan Johnston
Sent: Mon 3/21/2016 3:33:23 PM
Subject: FW: SSM SIP Call
2201 SU SD Work Practices Complete.doc

Alan:

The attached file didn't include the revisions to Chapter 22. See attached.

Please call or e-mail if you have any questions.

Thanks,

BDJ

From: Amanda Polito
Sent: Friday, March 18, 2016 8:31 AM
To: Shar, Alan; Bryan Johnston
Subject: RE: SSM SIP Call

Alan,

Will this suffice?

Amanda

From: Bryan Johnston [<mailto:Bryan.Johnston@LA.GOV>]
Sent: Wednesday, March 09, 2016 4:58 PM
To: Shar, Alan <shar.alan@epa.gov>
Subject: SSM SIP Call

Alan:

LDEQ will propose five (5) rulemakings in response to EPA's SSM SIP call. I've attached the draft documents for your review (two for each rulemaking).

Please call or e-mail with any questions or concerns.

Thanks,

Bryan D. Johnston

LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: Shar, Alan[shar.alan@epa.gov]
From: Amanda Polito
Sent: Fri 3/18/2016 4:19:40 PM
Subject: RE: SSM SIP Call
[Chapter 22.docx](#)

Pardon me, please replace.

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Friday, March 18, 2016 11:13 AM
To: Amanda Polito
Subject: FW: SSM SIP Call

Look good, please double check chp. 22.

From: Amanda Polito [<mailto:Amanda.Polito@LA.GOV>]
Sent: Friday, March 18, 2016 10:37 AM
To: Shar, Alan <shar.alan@epa.gov>
Subject: RE: SSM SIP Call

Breakup as requested.

Amanda Polito

Environmental Scientist Manager

[Louisiana Department of Environmental Quality](#)

Office of Environmental Services

Air Permits Division – Manufacturing Section

phone: 225.219.3389

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Friday, March 18, 2016 9:56 AM
To: Amanda Polito
Subject: RE: SSM SIP Call

Truthfully, I could have downloaded what was sent to me earlier from LDEQ web site.

Each submittal has to be complete and independent on its own.

Perhaps the following would help:

- There are 5 rules proposed here, we need 5 separate documents, one for each of the affected chapters, that includes the entire text of each chapter indicating the proposed changes within that particular chapter in redline/strikethrough fashion.
- There needs to be one separate document for chapter 11;
- One separate document for chapter 15,
- One separate document for chapter 22, etc., ...

Every state including the City of Albuquerque/Bernalillo County (Albq has only 2 people in its entire SIP program, and one of them is the admin staff) in Region has been submitting their SIPs this way (as requested above) for years, except LDEQ.

We here at EPA had been have to reconstruct each of LDEQ's SIPs, to this date, to make sense of what is actually being proposed. Sandra Rennie and I spent many hours reconstructing LDEQ's old SIP in the past, with the SIP backlogs load, and new SIPs arriving constantly we no longer have that luxury. Simply said, the way LDEQ SIP submittals have been sent to us in the past appear cryptic.

Again, each SIP submittal has to be complete and independent on its own.

We do not believe we are asking for much, as showing the changes in a Word document (by comparing before and after versions) is a matter using a common word processing feature.

If you have questions, or do not understand what we are asking for, please let me know.

We could talk next week, if you like.

From: Amanda Polito [<mailto:Amanda.Polito@LA.GOV>]
Sent: Friday, March 18, 2016 9:08 AM
To: Shar, Alan <shar.alan@epa.gov>
Subject: RE: SSM SIP Call

Is this not what you are looking for?

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Friday, March 18, 2016 9:04 AM
To: Amanda Polito
Subject: RE: SSM SIP Call

I will have to talk to Bryan myself.

From: Amanda Polito [<mailto:Amanda.Polito@LA.GOV>]
Sent: Friday, March 18, 2016 8:31 AM
To: Shar, Alan <shar.alan@epa.gov>; bryan.johnston@la.gov
Subject: RE: SSM SIP Call

Alan,

Will this suffice?

Amanda

From: Bryan Johnston [<mailto:Bryan.Johnston@LA.GOV>]
Sent: Wednesday, March 09, 2016 4:58 PM
To: Shar, Alan <shar.alan@epa.gov>
Subject: SSM SIP Call

Alan:

LDEQ will propose five (5) rulemakings in response to EPA's SSM SIP call. I've attached the draft documents for your review (two for each rulemaking).

Please call or e-mail with any questions or concerns.

Thanks,

Bryan D. Johnston

LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: Shar, Alan[shar.alan@epa.gov]
From: Bryan Johnston
Sent: Thur 4/28/2016 9:02:01 PM
Subject: RE: Suggestion - 110(l) analysis for upcoming SSM-related submission

Thank you, Alan. I have been working on this project today, and this will surely help. We are going to make minor revisions to the Ch. 22 edits in response to EPA's preliminary comments – mainly the addition of several work practices to 2201.K.

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Thursday, April 28, 2016 3:13 PM
To: Bryan Johnston
Cc: Vivian Aucoin; Amanda Polito; Donaldson, Guy
Subject: Suggestion - 110(l) analysis for upcoming SSM-related submission

Bryan – I left you a voice message last week re: 110(l) analysis for the upcoming SSM-related SIP submittal.

After today's SIP conference call, I took the liberty of putting together a tailored section 110(l) analysis for each of the affected chapters.

You do not have to use this suggestion, but if decided to I think all you have to do is fill in some publication dates in the attached file.

Feel free to edit as you see fit. Hope this helps. Thanks.

Alan

From: Donaldson, Guy
Sent: Monday, April 11, 2016 3:01 PM
To: bryan.johnston@la.gov
Cc: Shar, Alan <shar.alan@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>; Donald Trahan <Donald.Trahan@LA.GOV>; Vivian Aucoin <Vivian.Aucoin@LA.GOV>
Subject: FW: comments on LDEQ SSM-related proposed rule revisions

Bryan,

Thank you for the opportunity to review the soon-to-be-proposed revisions to address concerns raised in EPA's SSM SIP call. I really appreciate the work you have done to address the identified concerns and to present your proposed revisions in an easily understood format. Below, my staff and counsel have developed comments that should be addressed to insure the revisions meet Clean Air Act Requirements. As you consider how to address the comments, I would encourage you to further discuss these issues with myself or my staff, so you can be sure that you understand what we are looking for.

First our understanding is the revisions apply to LAC 33:III.2153(B)(1)(i), LAC 33:III.2201(C)(8), LAC 33:III.1107(A), LAC 33:III.1507(A)(1), LAC 33:III.1507(B)(1), LAC 33:III.2307(C)(1)(a), LAC 33:III.2307(C)(2)(a), LAC 33:III.1507(A)(2), LAC 33:III.1507(B)(2), LAC 33:III.2307(C)(1)(b), LAC 33:III.2307(C)(2)(b), LAC 33:III.2307(C)(2)(c), and the last sentence in LAC 33:III.1105(A) concerning excess emissions following SIP call of June 12, 2015 at 80 FR 33967-8. It is our understanding that Louisiana intends to repeal the above provisions from its SIP, and add a new section 2201(K) subsequent to repeal of section 2201(C)(8). Please confirm, if our understanding of intended proposed rule revisions is correct.

Our specific comments are as follows:

1. For each individual rule revision (each Chapter) your submittal to EPA will need to include a 110(I) analysis explaining that the proposed rule revisions do not relax the existing SIP, or any other applicable provisions of the Act. Regional air program staff can assist you with this particular task, if you need assistance.
2. As a part of submittal records will need to state that if the proposed revisions (repeals) no longer affect or apply to existing sources; or whether there are applicable federal requirements in place that will supersede or effectively render these provisions inapplicable.
3. Please include specific 40 CFR citations or regulatory references used in adopting the work practice standards in section LAC 33:III.2201(K)(3), rather than generically stating "*NSPS* or *MACT*" as the basis of adoption.

4. For new section LAC 33:III.2201(K)(3)(b) please elaborate why use of natural gas is identified only for the startup events, and this use has not been identified for the shutdown events.

5. As explained in section VII.A of the June 12, 2015 SIP call notice, emission limitations do not necessarily need to be expressed numerically, can have higher numerical levels during certain modes of operation, and may be composed of a combination of numerical limitations, specific technological control requirements and/or work practice requirements during certain modes of operation, however, so long as these emission limitations (for example; work practice standards) meet applicable CAA stringency requirements legally and practically. See 80 FR 33910. Please explain how provisions in LAC 33:III.2201(K)(3)(a) and (c) meet the applicable requirements of the Act during startup and shutdown modes.

We appreciate your efforts to address excess emissions and the SSM SIP Call. Again, if you have any questions regarding these comments, please feel free to contact me.

To: Shar, Alan[shar.alan@epa.gov]; bryan.johnston@la.gov[bryan.johnston@la.gov]
Cc: Vivian Aucoin[Vivian.Aucoin@LA.GOV]; Donaldson, Guy[Donaldson.Guy@epa.gov]
From: Amanda Polito
Sent: Thur 4/28/2016 8:21:29 PM
Subject: RE: Suggestion - 110(l) analysis for upcoming SSM-related submission

Thanks for your efforts Alan!

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Thursday, April 28, 2016 3:13 PM
To: Bryan Johnston
Cc: Vivian Aucoin; Amanda Polito; Donaldson, Guy
Subject: Suggestion - 110(l) analysis for upcoming SSM-related submission

Bryan – I left you a voice message last week re: 110(l) analysis for the upcoming SSM-related SIP submittal.

After today's SIP conference call, I took the liberty of putting together a tailored section 110(l) analysis for each of the affected chapters.

You do not have to use this suggestion, but if decided to I think all you have to do is fill in some publication dates in the attached file.

Feel free to edit as you see fit. Hope this helps. Thanks.

Alan

From: Donaldson, Guy
Sent: Monday, April 11, 2016 3:01 PM
To: bryan.johnston@la.gov
Cc: Shar, Alan <shar.alan@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>; Donald Trahan <Donald.Trahan@LA.GOV>; Vivian Aucoin <Vivian.Aucoin@LA.GOV>
Subject: FW: comments on LDEQ SSM-related proposed rule revisions

Bryan,

Thank you for the opportunity to review the soon-to-be-proposed revisions to address

concerns raised in EPA's SSM SIP call. I really appreciate the work you have done to address the identified concerns and to present your proposed revisions in an easily understood format. Below, my staff and counsel have developed comments that should be addressed to insure the revisions meet Clean Air Act Requirements. As you consider how to address the comments, I would encourage you to further discuss these issues with myself or my staff, so you can be sure that you understand what we are looking for.

First our understanding is the revisions apply to LAC 33:III.2153(B)(1)(i), LAC 33:III.2201(C)(8), LAC 33:III.1107(A), LAC 33:III.1507(A)(1), LAC 33:III.1507(B)(1), LAC 33:III.2307(C)(1)(a), LAC 33:III.2307(C)(2)(a), LAC 33:III.1507(A)(2), LAC 33:III.1507(B)(2), LAC 33:III.2307(C)(1)(b), LAC 33:III.2307(C)(2)(b), LAC 33:III.2307(C)(2)(c), and the last sentence in LAC 33:III.1105(A) concerning excess emissions following SIP call of June 12, 2015 at 80 FR 33967-8. It is our understanding that Louisiana intends to repeal the above provisions from its SIP, and add a new section 2201(K) subsequent to repeal of section 2201(C)(8). Please confirm, if our understanding of intended proposed rule revisions is correct.

Our specific comments are as follows:

1. For each individual rule revision (each Chapter) your submittal to EPA will need to include a 110(l) analysis explaining that the proposed rule revisions do not relax the existing SIP, or any other applicable provisions of the Act. Regional air program staff can assist you with this particular task, if you need assistance.
2. As a part of submittal records will need to state that if the proposed revisions (repeals) no longer affect or apply to existing sources; or whether there are applicable federal requirements in place that will supersede or effectively render these provisions inapplicable.
3. Please include specific 40 CFR citations or regulatory references used in adopting the work practice standards in section LAC 33:III.2201(K)(3), rather than generically stating "*NSPS* or *MACT*" as the basis of adoption.
4. For new section LAC 33:III.2201(K)(3)(b) please elaborate why use of natural gas is identified only

for the startup events, and this use has not been identified for the shutdown events.

5. As explained in section VII.A of the June 12, 2015 SIP call notice, emission limitations do not necessarily need to be expressed numerically, can have higher numerical levels during certain modes of operation, and may be composed of a combination of numerical limitations, specific technological control requirements and/or work practice requirements during certain modes of operation, however, so long as these emission limitations (for example; work practice standards) meet applicable CAA stringency requirements legally and practically. See 80 FR 33910. Please explain how provisions in LAC 33:III.2201(K)(3)(a) and (c) meet the applicable requirements of the Act during startup and shutdown modes.

We appreciate your efforts to address excess emissions and the SSM SIP Call. Again, if you have any questions regarding these comments, please feel free to contact me.

To: Shar, Alan[shar.alan@epa.gov]
From: Amanda Polito
Sent: Fri 3/18/2016 3:45:43 PM
Subject: RE: SSM SIP Call

You should have them. I sent the email at 10:38am.

Thanks,

Amanda

Amanda Polito

Environmental Scientist Manager

Louisiana Department of Environmental Quality

Office of Environmental Services

Air Permits Division – Manufacturing Section

phone: 225.219.3389

From: Shar, Alan [mailto:shar.alan@epa.gov]
Sent: Friday, March 18, 2016 10:44 AM
To: Amanda Polito
Subject: RE: SSM SIP Call

After the call and your explanation, yes, it does works.

If you could break it down to 5 separate chapters would be even better. Thanks.

From: Shar, Alan
Sent: Friday, March 18, 2016 9:56 AM

To: 'Amanda Polito' <Amanda.Polito@LA.GOV>

Subject: RE: SSM SIP Call

Truthfully, I could have downloaded what was sent to me earlier from LDEQ web site.

Each submittal has to be complete and independent on its own.

Perhaps the following would help:

- There are 5 rules proposed here, we need 5 separate documents, one for each of the affected chapters, that includes the entire text of each chapter indicating the proposed changes within that particular chapter in redline/strikethrough fashion.
- There needs to be one separate document for chapter 11;
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- One separate document for chapter 22, etc., ...

Every state including the City of Albuquerque/Bernalillo County (Albq has only 2 people in its entire SIP program, and one of them is the admin staff) in Region has been submitting their SIPs this way (as requested above) for years, except LDEQ.

We here at EPA had been have to reconstruct each of LDEQ's SIPs, to this date, to make sense of what is actually being proposed. Sandra Rennie and I spent many hours reconstructing LDEQ's old SIP in the past, with the SIP backlogs load, and new SIPs arriving constantly we no longer have that luxury. Simply said, the way LDEQ SIP submittals have been sent to us in the past appear cryptic.

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We do not believe we are asking for much, as showing the changes in a Word document (by comparing before and after versions) is a matter using a common word processing feature.

If you have questions, or do not understand what we are asking for, please let me know.

We could talk next week, if you like.

From: Amanda Polito [<mailto:Amanda.Polito@LA.GOV>]
Sent: Friday, March 18, 2016 9:08 AM
To: Shar, Alan <shar.alan@epa.gov>
Subject: RE: SSM SIP Call

Is this not what you are looking for?

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Friday, March 18, 2016 9:04 AM
To: Amanda Polito
Subject: RE: SSM SIP Call

I will have to talk to Bryan myself.

From: Amanda Polito [<mailto:Amanda.Polito@LA.GOV>]
Sent: Friday, March 18, 2016 8:31 AM
To: Shar, Alan <shar.alan@epa.gov>; bryan.johnston@la.gov
Subject: RE: SSM SIP Call

Alan,

Will this suffice?

Amanda

From: Bryan Johnston [<mailto:Bryan.Johnston@LA.GOV>]
Sent: Wednesday, March 09, 2016 4:58 PM
To: Shar, Alan <shar.alan@epa.gov>
Subject: SSM SIP Call

Alan:

LDEQ will propose five (5) rulemakings in response to EPA's SSM SIP call. I've attached the draft documents for your review (two for each rulemaking).

Please call or e-mail with any questions or concerns.

Thanks,

Bryan D. Johnston

LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: beverly.botchlet-smith@deq.state.ok.us[beverly.botchlet-smith@deq.state.ok.us];
cheryl.bradley@deq.state.ok.us[cheryl.bradley@deq.state.ok.us];
dbrymer@tceq.state.tx.us[dbrymer@tceq.state.tx.us];
davis@adeq.state.ar.us[davis@adeq.state.ar.us];
eddie.terrell@deq.state.ok.us[eddie.terrell@deq.state.ok.us]; Fmacias@cabq.gov[Fmacias@cabq.gov];
ltavarez@cabq.gov[ltavarez@cabq.gov]; Nieto, Margaret E.[mnieto@cabq.gov];
rheaume@adeq.state.ar.us[rheaume@adeq.state.ar.us];
richard.goodyear@state.nm.us[richard.goodyear@state.nm.us];
rita.bates@state.nm.us[rita.bates@state.nm.us]; Tegan Treadaway[Tegan.Treadaway@LA.GOV]; Vivian
Aucoin[Vivian.Aucoin@LA.GOV]; Steve Hagle[steve.hagle@tceq.texas.gov]; Stephanie Bergeron
Perdue[stephanie.bergeron_perdue@tceq.tx.gov];
scott.thompson@deq.ok.gov[scott.thompson@deq.ok.gov];
tyler.powell@doe.ok.gov[tyler.powell@doe.ok.gov]; peggy.hatch@la.gov[peggy.hatch@la.gov];
vince.sagnibene@la.gov[vince.sagnibene@la.gov]; Ryan Flynn[ryan.flynn@state.nm.us]; Spencer,
Stuart[SPENCER@adeq.state.ar.us]; Keogh, Becky[keogh@adeq.state.ar.us]
Cc: Shar, Alan[shar.alan@epa.gov]; Bartley, Richard[Bartley.Richard@epa.gov]; Janis
Hudson[janis.hudson@tceq.texas.gov]; Stenger, Wren[stenger.wren@epa.gov]; Hansen,
Mark[Hansen.Mark@epa.gov]; Luthans, William[luthans.william@epa.gov]; Robinson,
Jeffrey[Robinson.Jeffrey@epa.gov]
From: Donaldson, Guy
Sent: Fri 5/22/2015 4:20:06 PM
Subject: RE: SSM SIP call signed today

I have learned that the link is not yet live. Here is a PDF of the prepublication version of the notice.

From: Donaldson, Guy
Sent: Friday, May 22, 2015 11:12 AM
To: 'beverly.botchlet-smith@deq.state.ok.us'; 'cheryl.bradley@deq.state.ok.us'; David Brymer;
'davis@adeq.state.ar.us'; 'eddie.terrell@deq.state.ok.us'; 'Fmacias@cabq.gov';
'ltavarez@cabq.gov'; 'Nieto, Margaret E.'; 'rheaume@adeq.state.ar.us';
'richard.goodyear@state.nm.us'; 'rita.bates@state.nm.us'; Tegan Treadaway; Vivian Aucoin;
'Steve Hagle'; 'Stephanie Bergeron Perdue'; scott.thompson@deq.ok.gov;
'tyler.powell@doe.ok.gov'; peggy.hatch@la.gov; 'vince.sagnibene@la.gov'; 'Ryan Flynn';
'Spencer, Stuart'; Keogh, Becky
Cc: Shar, Alan; Bartley, Richard; 'Janis Hudson'; Stenger, Wren; Hansen, Mark; Luthans,
William; Robinson, Jeffrey
Subject: SSM SIP call signed today

This message is a follow-up Wren Stenger's recent phone call or E-mails notifying you about the final action the EPA Administrator signed today to ensure states have in place air pollution rules that apply to sources at all times, including when the source is operating during periods of startup, shutdown, or malfunction (SSM).

This action responds to a Petition for Rulemaking filed by the Sierra Club and WildEarth Guardians concerning the treatment of excess emissions at industrial facilities during SSM operations, specifically how those emissions are treated in state implementation plan (SIP) provisions that the EPA previously approved. Also, as part of this action, EPA has revised and clarified its policy concerning SSM provisions consistent with the Clean Air Act.

The EPA is calling for 36 states, including your state, to make changes to their SIPs, to protect public health and ensure consistency with the Clean Air Act and the EPA's current SSM Policy. Your state will have 18 months to submit revisions of your state plan to EPA. Your state's revised SIP is due to EPA by November 22, 2016.

As part of our notification to your state about this final SIP call, I have attached to this email a letter from the EPA's Acting Assistant Administrator for Air and Radiation, Janet McCabe. To inform you of the details on the final action, including the specific SIP provisions your state needs to address, we have posted a pre-publication version of the action on our website at: <http://www.epa.gov/airquality/urbanair/sipstatus/emissions.html>.

The EPA will continue to work closely with you to ensure the SIP revision process is as efficient as possible. If you or your staff have questions, please contact myself at 214-665-7242 or Alan Shar with technical questions at 214-665-6691 or Richard Bartley 214-665-8046 with legal questions.

Attachment

To: Shar, Alan[shar.alan@epa.gov]
From: Amanda Polito
Sent: Fri 3/18/2016 3:37:12 PM
Subject: RE: SSM SIP Call
[Chapter 15.docx](#)
[Chapter 21.docx](#)
[Chapter 22.docx](#)
[Chapter 23.docx](#)
[SSM Chapter 11.docx](#)

Breakup as requested.

Amanda Polito

Environmental Scientist Manager

[Louisiana Department of Environmental Quality](#)

Office of Environmental Services

[Air Permits Division](#) – Manufacturing Section

phone: 225.219.3389

From: Shar, Alan [mailto:shar.alan@epa.gov]
Sent: Friday, March 18, 2016 9:56 AM
To: Amanda Polito
Subject: RE: SSM SIP Call

Truthfully, I could have downloaded what was sent to me earlier from LDEQ web site.

Each submittal has to be complete and independent on its own.

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- There are 5 rules proposed here, we need 5 separate documents, one for each of the affected chapters, that includes the entire text of each chapter indicating the proposed changes within that particular chapter in redline/strikethrough fashion.
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We could talk next week, if you like.

From: Amanda Polito [<mailto:Amanda.Polito@LA.GOV>]

Sent: Friday, March 18, 2016 9:08 AM

To: Shar, Alan <shar.alan@epa.gov>

Subject: RE: SSM SIP Call

Is this not what you are looking for?

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Friday, March 18, 2016 9:04 AM
To: Amanda Polito
Subject: RE: SSM SIP Call

I will have to talk to Bryan myself.

From: Amanda Polito [<mailto:Amanda.Polito@LA.GOV>]
Sent: Friday, March 18, 2016 8:31 AM
To: Shar, Alan <shar.alan@epa.gov>; bryan.johnston@la.gov
Subject: RE: SSM SIP Call

Alan,

Will this suffice?

Amanda

From: Bryan Johnston [<mailto:Bryan.Johnston@LA.GOV>]
Sent: Wednesday, March 09, 2016 4:58 PM
To: Shar, Alan <shar.alan@epa.gov>
Subject: SSM SIP Call

Alan:

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Please call or e-mail with any questions or concerns.

Thanks,

Bryan D. Johnston

LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: Shar, Alan[shar.alan@epa.gov]
From: Amanda Polito
Sent: Fri 3/18/2016 2:57:26 PM
Subject: RE: SSM SIP Call

Please call me at 225.219.3389.

Thanks

From: Shar, Alan [mailto:shar.alan@epa.gov]
Sent: Friday, March 18, 2016 9:56 AM
To: Amanda Polito
Subject: RE: SSM SIP Call

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Thanks,

Bryan D. Johnston

LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: Shar, Alan[shar.alan@epa.gov]
From: Amanda Polito
Sent: Fri 3/18/2016 2:08:04 PM
Subject: RE: SSM SIP Call

Is this not what you are looking for?

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Friday, March 18, 2016 9:04 AM
To: Amanda Polito
Subject: RE: SSM SIP Call

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Bryan D. Johnston

LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: Shar, Alan[shar.alan@epa.gov]; bryan.johnston@la.gov[bryan.johnston@la.gov]
From: Amanda Polito
Sent: Fri 3/18/2016 1:30:49 PM
Subject: RE: SSM SIP Call
[SSM Repeal.docx](#)

Alan,

Will this suffice?

Amanda

From: Bryan Johnston [<mailto:Bryan.Johnston@LA.GOV>]
Sent: Wednesday, March 09, 2016 4:58 PM
To: Shar, Alan <shar.alan@epa.gov>
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Thanks,

Bryan D. Johnston

LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: Shar, Alan[shar.alan@epa.gov]
From: Bryan Johnston
Sent: Wed 3/16/2016 4:11:00 PM
Subject: Re: SSM SIP Call

I will send you more comprehensive files when I'm back in the office.

Sent from my iPhone

On Mar 15, 2016, at 10:59 AM, Shar, Alan <shar.alan@epa.gov> wrote:

Bryan – I left you a voice message yesterday. Perhaps you are busy with the SO2 designation project in your State.

Regarding the SSM: Would you please send me the *entire* text of each affected Chapter (i.e., Chapters 11, 15, 22, 21, and 23 from the start to the end) with the proposed changes.

To provide comments to the State I will need to share these proposals with EPA people outside the Region that are not familiar with LA rules, and need to review the proposals within the context of entire Chapter not just the streamlined affected provisions. If you have questions, I can be reached at 214 665 6691. Thanks.

Alan

From: Shar, Alan
Sent: Thursday, March 10, 2016 7:48 AM
To: 'Bryan Johnston' <Bryan.Johnston@LA.GOV>
Subject: RE: SSM SIP Call

Bryan - Thanks, we will review and get back to you.

Alan

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LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: Shar, Alan[shar.alan@epa.gov]; nguyen.dan@LA.GOV[nguyen.dan@LA.GOV]; Zhang.Qingming@LA.gov[Zhang.Qingming@LA.gov]
From: Amanda Polito
Sent: Tue 3/15/2016 3:13:03 PM
Subject: RE: SSM SIP Call - LDEQ 5 rule revisions

Alan,

Can you send me the Documents that Bryan sent you?

Amanda

From: Shar, Alan [mailto:shar.alan@epa.gov]
Sent: Tuesday, March 15, 2016 10:12 AM
To: Amanda Polito; nguyen.dan@LA.GOV; Zhang.Qingming@LA.gov
Subject: FW: SSM SIP Call - LDEQ 5 rule revisions

All – Since Bryan is out, I am forwarding this request to you regarding the proposed five rulemakings in response to EPA’s SSM SIP call.

What Bryan sent me is only the streamlined affected section changes in each chapter.

For review, we need the entire text of each affected Chapter (i.e., entire text of Chapters 11, 15, 22, 21, and 23 from the start to the end) with the proposed changes. Thanks for your help.

Alan Shar, P.E.

From: Shar, Alan
Sent: Tuesday, March 15, 2016 10:00 AM
To: Bryan D. Johnston (bryan.johnston@la.gov) <bryan.johnston@la.gov>
Subject: RE: SSM SIP Call

Bryan – I left you a voice message yesterday. Perhaps you are busy with the SO2 designation

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Bryan D. Johnston

LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: Shar, Alan[shar.alan@epa.gov]
Cc: Bates, Rita, NMENV[Rita.Bates@state.nm.us]; Singleton, Kerwin, NMENV[Kerwin.Singleton@state.nm.us]
From: Spillers, Robert, NMENV
Sent: Thur 3/10/2016 4:42:06 PM
Subject: RE: excess emissions update
Draft Proposed Revisions 20.2.7 NMAC Excess Emissions.doc

Good morning Alan,

Attached is the NMED's proposed revisions to 20.2.7 NMAC Excess Emissions for EPA's initial review. Yellow highlighted text are the sections of the rule that are proposed to be removed from the SIP, blue highlighted text, bracketed, are not part of the rule. This text is informational only. If you have any comments or questions please contact me.

Thank you,

Bob

From: Shar, Alan [mailto:shar.alan@epa.gov]
Sent: Tuesday, March 01, 2016 10:22 AM
To: Spillers, Robert, NMENV <Robert.Spillers@state.nm.us>
Cc: Bartley, Richard <Bartley.Richard@epa.gov>
Subject: excess emissions update

Bob – Attach please find 2 comment letters we sent to ODEQ re: their excess emissions rule.

Please see comment #6 on pages 3 and 4 of our Jan 14, 2016 letter to Oklahoma, in case NMED chooses the AD approach.

Oklahoma Board adopted the rule on Feb 19, 2016.

The link to ODEQ's excess emissions rule is:
http://www.deq.state.ok.us/AQDnew/council_mtgs/jan16/2016_Jan_SC9_RUL.pdf

Appreciate if you share your draft rule with us, if you can. Thanks.

Alan

From: Shar, Alan
Sent: Wednesday, December 16, 2015 8:32 AM
To: 'Spillers, Robert, NMENV' <Robert.Spillers@state.nm.us>; 'Merta, Ed L.' <emerta@cabq.gov>
Subject: FYI: latest version of Oklahoma's rule on excess emissions

Bob and Ed – Greetings from Dallas.

FYI, I am attaching the latest version of Oklahoma's rule on excess emissions.

Region has been working with ODEQ on this rule closely.

EPA is reviewing the rule internally, and will be submitting comments in consultation with our HQ office.

The link to the rule
is: http://www.deq.state.ok.us/aqdnew/council_mtgs/jan16/2016_Jan_SC9_RUL.pdf

ODEQ's Air Council hearing is scheduled for **Wednesday, January 20, 2016**. Please see http://www.deq.state.ok.us/aqdnew/council_mtgs/jan16/jan16rules.htm

Wishing you a happy holiday season.

Alan

To: Shar, Alan[shar.alan@epa.gov]
From: Bryan Johnston
Sent: Wed 3/9/2016 10:58:01 PM
Subject: SSM SIP Call
[RIRA_1507.A & B Repeal.doc](#)
[1507.A & B Repeal.doc](#)
[RIRA_1107.A Repeal.doc](#)
[1107.A Repeal.doc](#)
[RIRA_2153.B.1.i Repeal.doc](#)
[2153.B.1.i Repeal.doc](#)
[RIRA_2307.C Repeal.doc](#)
[2307.C Repeal.doc](#)
[RIRA_2201 SU SD Work Practices.doc](#)
[2201 SU SD Work Practices.doc](#)

Alan:

LDEQ will propose five (5) rulemakings in response to EPA's SSM SIP call. I've attached the draft documents for your review (two for each rulemaking).

Please call or e-mail with any questions or concerns.

Thanks,

Bryan D. Johnston

LDEQ/Air Permits

P: 225.219.3450

F: 225.219.3309

E: bryan.johnston@la.gov

To: Shar, Alan[shar.alan@epa.gov]
From: Bates, Rita, NMENV
Sent: Wed 3/2/2016 4:55:35 PM
Subject: RE: SSM SIP Call

Thanks! Regulations.gov is a disaster in my opinion. ☺

Rita Bates

Planning Section Chief

Air Quality Bureau – New Mexico Environment Department

525 Camino de los Marquez, Suite 1

Santa Fe, New Mexico 87505

Phone: 505-476-4304

Fax: 505-476-4375

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Wednesday, March 02, 2016 9:55 AM
To: Bates, Rita, NMENV <Rita.Bates@state.nm.us>
Subject: RE: SSM SIP Call

Please see the attached.

From: Bates, Rita, NMENV [<mailto:Rita.Bates@state.nm.us>]
Sent: Wednesday, March 02, 2016 10:51 AM
To: Shar, Alan <shar.alan@epa.gov>
Subject: SSM SIP Call

Hi Alan,

I'm looking for the comment response document for the SSM SIP Call (Docket EPA-HQ-OAR-2012-0322) but cannot find it on regulations.gov. Would you be able to dig that up for us?

Thanks for your help.

Rita

Rita Bates

Planning Section Chief

Air Quality Bureau – New Mexico Environment Department

525 Camino de los Marquez, Suite 1

Santa Fe, New Mexico 87505

Phone: 505-476-4304

Fax: 505-476-4375

To: Shar, Alan[shar.alan@epa.gov]
From: Merta, Ed L.
Sent: Tue 3/1/2016 7:40:33 PM
Subject: RE: Phone consult?

Thanks very much Alan, good talking to you too!

Is it okay with you if I share the attachments you sent with stakeholders outside our Department and include them as exhibits in our rulemaking hearing?

From: Shar, Alan [mailto:shar.alan@epa.gov]
Sent: Tuesday, March 01, 2016 10:06 AM
To: Merta, Ed L.
Subject: RE: Phone consult?

Ed – It was good to talk to you this morning.

Attached please find 2 comment letters we sent to ODEQ.

Suggest you see comment number 6 (pages 3 and 4) of the Jan 14, 2016 letter.

The link to ODEQ's rule is:
http://www.deq.state.ok.us/AQDnew/council_mtgs/jan16/2016_Jan_SC9_RUL.pdf

Oklahoma Board on Feb 19, 2016 approved the rule, next step for ODEQ is to get their legislators to approve the rule (a new state law requires ODEQ to go through this step). Thanks.

Alan

From: Merta, Ed L. [mailto:emerta@cabq.gov]
Sent: Monday, February 29, 2016 3:12 PM
To: Shar, Alan <shar.alan@epa.gov>
Subject: RE: Phone consult?

That would be great! Thank you kind sir, talk to you then.

From: Shar, Alan [<mailto:shar.alan@epa.gov>]
Sent: Monday, February 29, 2016 2:12 PM
To: Merta, Ed L.
Subject: RE: Phone consult?

How about Tuesday 10:30 Dallas Time, which is 9:30 AM your local time?

From: Merta, Ed L. [<mailto:emerta@cabq.gov>]
Sent: Monday, February 29, 2016 2:39 PM
To: Shar, Alan <shar.alan@epa.gov>
Subject: Phone consult?

Hi Alan,

Looks like you and I keep missing each other on the phone, sorry about that!

I was wondering if I could try to set a time where we could talk about the SSM excess emissions SIP call, probably for no more than 15-30 minutes? I wasn't thinking of anything super formal, just wanted to pose a couple of questions and then if we need to arrange a more extensive conversation we could go from there.

I'm free at the following times in the next few days, let me know if there's a window in there that would work.

All times are Mountain Time:

Monday (today, 2/29)

3:00 – 4:00

Tues, 3/1

8:30-12:00

Wed., 3/2

8:30-12:00

1:00-3:00

Thu., 3/3

8:30-12:00

3:00-4:00

Fri. , 3/4

8:30-10:30